

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GARY ELLISON,)	Case No. 5:10CV294
)	
)	
)	
Plaintiff,)	JUDGE JOHN R. ADAMS
)	
vs.)	
)	[Resolves Doc. 69]
COUNTY OF SUMMIT, et al.,)	
)	
)	MEMORANDUM OF OPINION
Defendants.)	

This matter is before the Court upon a motion for reconsideration (Doc. 69) filed by Defendants Summit County, Summit County Engineer's Office, and Alan Brubaker, P.E., P.S. The motion is DENIED.

On February 4, 2011, this Court granted in part and denied in part Defendants' motion for summary judgment. The sole remaining claim is Plaintiff Gary Ellison's claim of reverse race discrimination in the failure to hire him. Defendants seek to have this Court reconsider the denial of their motion for summary judgment on this issue.

Defendants first assert that this Court erred because the record is clear that Ellison would not have been hired regardless of his race. Defendants' contentions are in error. This Court concluded that Ellison had produced sufficient evidence that a jury must determine whether the reasons given for Ellison's removal from the hiring process were pretextual. While Defendants assert that Ron Tullis' ultimate hiring should not be considered, this Court properly considered the totality of the circumstances in evaluating Ellison's claim of pretext. As this Court

previously indicated, Ellison's immediate removal from the applicant pool, far superior qualifications to the ultimate hire, and Tullis' lackluster application all give reason for this matter to be heard by a jury. The motion for reconsideration is DENIED.

IT IS SO ORDERED.

DATED: February 22, 2011

/s/ John R. Adams
JUDGE JOHN R. ADAMS